

## **ADOPTION**

I often hear politicians say that they want our laws to be in clear modern language. Trevor Mallard springs immediately to mind as an advocate of plain simple language. Sometimes the trouble with plain simple language is that it is too simple and open to unintended interpretation. The modern education system does not put any value in precise use of language.

It is therefore surprising that the politicians have not taken any action to revise the law on adoption. The current legislation was enacted in 1955 and it reflects the standards of society at that time. Since then the Adult Adoption Information Act has provided the means for adopted persons and birth parents to contact each other and the Adoption (inter country) Act was enacted to regulate the adoption of overseas children. But the basic law of adoption in New Zealand remains as it was in 1955. Anybody in legal practice at that time would recall the very strict secrecy surrounding the adoption of children.

At the time the legislation was enacted the birth parent (usually the Mother) was not permitted to know the identity of the adoptive parents if the adoption was arranged through the Social Welfare Department. Until the passing of the Adult Adoption Information Act that rule remained absolute, but has been relaxed.

When considering whether to make an Order for adoption the Judge was required to ensure that the adoptive parents were fit and proper persons to have the role of providing for the day to day care of the child and sufficient ability to bring up, maintain, educate and care for the child. The Court was also required to be satisfied that the adoption was in the best interests of the child and that any religious condition imposed by the birth mother or parents would be complied with. The adoptive parents had to be married to each other. There was no recognition of the informal arrangements which pass for families today.

One of the objections to the 1955 Adoption Act is that it does not recognise the Maori Custom of adoptions which were quite common place in Maori Society.

While it is accepted that the 1955 Adoption Act is not the subject of a lot of applications in modern society it should be revised and brought up to date to accommodate the new norms of our society.

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